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Civil Procedure, Product Liability

Kerin v. Titeflex Corporation, No. 14-1130

In this products liability litigation, plaintiff alleged that a product defect in defendant's corrugated stainless steel tubing (CSST) caused risks of the CSST being vulnerable to failure after lightning strikes. Dismissal for lack of standing is affirmed, where: 1) plaintiff fails to allege facts sufficient to assess the probability of future injury or instances of actual damage where the cause is clear; and 2) plaintiff concedes that the CSST meets applicable regulatory standards specifically addressing the risk.

Labor & Employment Law

Litz v. Saint Consulting Group, No. 13-2437

In this action for unpaid overtime wages brought by plaintiff-employees, judgment in favor of defendants is affirmed, where: 1) plaintiffs were paid on a salary basis and received more than \$100,000 per year for continuously performing the duties of a professional employee; and 2) plaintiffs were therefore "highly compensated employees" exempt from the overtime protections of the Fair Labor Standards Act (29 C.F.R. section 541.601).

Civil Procedure, Injury & Tort Law

Aguayo-Cuevas v. PR Electric Power Authority, No. 12-2354

In this wrongful death action, dismissal for lack of subject matter jurisdiction on grounds that an additional, non-diverse member of the decedent's estate was not made a party to the action, was indispensable, and whose joinder destroyed the parties' complete diversity, is reversed and remanded, where: 1) the non-diverse absent party was not required to adjudicate the action because the members of the estate requested voluntary dismissal of their claims, which eliminated the survivorship action and with it any concern as to the indispensability and joinder issues; and 2) the only remaining claims were those of plaintiffs Cason and Benavides, which were jurisdictionally sound.